

LELAND HAMNER
Claimant

HUNT TRANSPORTATION
Respondent

NATIONAL AMERICAN INSURANCE COMPANY
Insurance Carrier

ORDER

ISSUES

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- Claimant drove his own semi tractor-trailer hauling freight for respondent and was paid on a per mile basis. Claimant was not required to haul a certain number of loads, or any particular loads, he was free to decide to haul or not to haul at his own discretion. Claimant had the right to hire his own employee to drive the truck. Claimant was responsible for maintenance of the tractor and providing his own insurance. The contract

between claimant and respondent could be terminated on thirty (30) days notice. Claimant paid his own social security taxes and his own self-employment tax. The contract between claimant and respondent expressly described claimant as an independent contractor. Although there were other aspects of the relationship indicative of an employment relationship, the Appeals Board finds the evidence presented to date indicates the relationship was that of an independent contractor.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Robert H. Foerschler dated November 21, 1995 should be, and the same is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of January 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: W. Walter Craig, Wichita, Kansas
Ronald J. Laskowski, Topeka, Kansas
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director